



**District of Columbia Government
Advisory Neighborhood Commission 6A
Agenda for October 8, 2015**



Second (2nd) Thursdays at 7:00 pm, Miner Elementary, 601 Fifteenth (15th) Street NE
Public Meeting - All Are Welcome to Attend

- 7:00 pm **Call to Order**
- 7:01 pm **Approve Previous Meeting's Minutes, Adopt Agenda**
- 7:02 pm **Community Presentations**
Update from Mayor Bowser's Office (5 minutes)
Department of Energy & Environment Anacostia River Sediment presentation (10 minutes)
MPD First District Commander Jeff Brown (25 minutes)
- 7:45 pm **Officer Reports**
Chair
Vice-Chair
Secretary
Treasurer **pg. 26**
1. Approve Treasurer's Report
2. Present and adopt 2016 ANC 6A Budget
- 7:55 pm **Standing Committee Reports:**
Community Outreach pg.
1. Approve September 2015 committee report.
2. Next meeting - 7:00 pm, October 26, 2015 (4th Monday)
- 8:00 pm **Alcohol Beverage Licensing pg.**
1. No report. Committee did not meet in September 2015.
2. Next meeting - 7:00 pm, October 20, 2015 (3rd Tuesday)
- 8:05 pm **Transportation and Public Space Committee pg.**
1. Approve September 2015 committee report.
2. **Recommendation:** ANC 6A send a letter of support in favor of the Events DC proposal to construct a playground on the 2000 block of C Street NE according to the plans provided to the ANC.
3. Next meeting - 7:00 pm, October 19, 2015 (3rd Monday)
- 8:20 pm **Economic Development and Zoning pg.**
1. Approve September 2015 committee report
2. **Recommendation:** ANC write a letter to the Zoning Commission in support of an extension of the order permitting redevelopment of the H Street Connection site at 901 H Street, N.E. (ZC 10-19) with a mixed-use residential and retail structure.
3. **Recommendation:** ANC write a letter to BZA in opposition to the request for a variance from the lot size requirements under § 401, the lot occupancy requirements under § 403, the rear yard requirements under § 404, the court requirements under §



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406, and the nonconforming structure requirements under § 2001.3, and the request for a special exception from the height requirements under § 400, to construct a third-story addition to an existing two-story, one-family dwelling, and a new shed at 1336 Emerald Street, N.E. (BZA 19085).

4. Next meeting - 7:00 pm, October 21, 2015 (3rd Wednesday)

8:45 pm **Single Member District reports** (1 minute each)

8:55 pm **Community Comments** (2 minutes each)

9:00 pm **Adjourn**



Advisory Neighborhood Commission 6A Meeting Minutes of September 10, 2015



Advisory Neighborhood Commission (ANC) 6A Minutes Miner Elementary School September 10, 2015

Present: Commissioners Phil Toomajian (Chair), Matt Levy, Patrick Malone, Sondra Phillips-Gilbert, Calvin Ward, and Stephanie Zimny.

The meeting convened at 7:00 pm.

The minutes for the ANC July 2015 meeting and the agenda for the September 2015 meeting were approved without changes or objection.

Community Presentations

Representatives from Mayor Bowser's Office

Mr. Seth Shapiro, Ward 6 Outreach Service Specialist provided copies of the six (6) month Progress report from the Mayor's Office. He also spoke briefly about proposals from the Mayor's Office regarding making improvements in the City's public safety operations, and a fact sheet outlining these proposals was distributed. Additionally, Mr. Shapiro provided information on a pledge initiated by the Mayor's Office to better serve the needs of the City's homeless population.

Madison Shelter Modernization Project Update

Ms. Jackie Stanley, Community Outreach Coordinator, Department of General Services (DGS), provided a brief overview of the status of the modernization project. Bid submissions are due September 14, 2015. Exterior security cameras are being installed and will monitor street activity. Updates on this project will be available monthly after the fifteenth (15th) of each month through the DGS website upon designation of a General Contractor. Further information can be obtained by contacting Ms. Stanley at Jackie.stanley@dc.gov.

Education Forum

Introductory remarks were given by ANC 6A Chair Phil Toomajian who hopes to develop a stronger partnership between the community and its schools through involvement of the ANC. The Chairman advised that the ANC has available funding for grants to schools, but no funds have been issued to date this year. By agreement of the Chair, it was determined that the forum would be conducted via a question and answer format. Present at the forum were: Ward 6 Councilmember Charles Allen and Ward 6 State Board of Education Member Joe Weedon; Ms. Rachel Skerritt, Principal, Eastern High School; Ms. Tynika Young, Principal, Eliot-Hine Middle School; Dr. Anne Evans, Principal, Miner Elementary School; Ms. Carolyne E. Albert-Garvey, Principal, Maury Elementary School; Mr. John Burst, Principal, School Within School (SWS) School; and Mr. Paul Gay, a member of the Local School Advisory Team (LSAT) for the Ludlow-Taylor Elementary School. Mr. Maurice Wilkins, a representative from the DC Public Schools Office of Family and Public Engagement Community Action Team (CAT) for Wards 5 and 6, was also present.

Councilmember Allen gave brief but detailed remarks regarding education issues:

School Funding: There has been a three hundred million dollar (\$300,000,000) decrease in education funding for DC schools. This decrease primarily affects the plans for the modernization of the middle schools in Ward 6. The reduction in funding results in pushing back the proposed modernization plans of the Eliot-Hine and Jefferson Middle Schools back three (3) years. At



Advisory Neighborhood Commission 6A Meeting Minutes of September 10, 2015



present, approximately \$1.5 million dollars (\$1,500,000) have been allocated to each middle school to fund modernization plans this coming year. Additional funding has been allocated for Maury Elementary School due to an expansion of the residential boundary area for attendance to this school, and a wait list of several hundred students. Funds have been allocated to the Ludlow-Taylor Elementary School to make the play area safer. There was a discussion that the community hopes that Ludlow-Taylor will get a new playground.

At-Risk Student Program: There has been a change in policy for the implementation of the at risk student program. At risk funding will be tailored to the needs of an individual student as opposed to providing funding to the schools at large for at-risk students.

Food Service for DC Public Schools: The City Council has issued a disapproval resolution to the Chartwell Corporation, which is currently contracted to provide food service to the DC Public Schools through the 2015-2016 school year. As a consequence of the resolution, the contract with the Chartwell Corporation is not expected to be renewed. Currently there are several contractors pending application review with the city to provide food service to the public schools.

Mr. Joe Weedon State Board of Education spoke on reforming high school graduation requirements, improving the credentialing methods used for the General Equivalency Diploma (GED) program, standardized testing and proficiency issues, and the need for increased flexibility for the local schools to implement reforms in order to advance student achievement.

The school principals each gave an overview of activities and/or specialized program offered through their respective schools, such as International Baccalaureate (IB) programs at the middle school and high school levels, and enrichment programs and activities at the elementary school levels. Each principal made clear his/her commitment to ensuring that the best academic and learning environment be afforded to the students at their schools, and emphasized the need for public support for their schools. Members of the community with questions, comments, or concerns directed such to the appropriate representative(s) and were responded to accordingly. Councilmember Allen shared a report from DGS regarding plans to replace equipment on the Miner Elementary playground and Mr. Shapiro said that the Mayor's Office would assist with addressing maintenance needs at Ludlow-Taylor.

Officer Reports

Treasurer's Report: Ms. Zimny presented the Treasurer's Report. The opening balance in the checking account was \$14,695.52, with a forwarding balance of \$23,658.92, (including Q1 and Q2 District Allotments of \$4,481.70 each). There were disbursements of \$500.00 to Irene Dworakowski (Check 1710) for agenda/web master services; \$200.00 for notetaking for July 2015 minutes; (Check 1711); \$1,012.80 (Check 1712) for the yearly fee for ANC meeting use of Miner Elementary; leaving a balance of \$21,946.12 in the checking account and \$13,720.77, with a \$0.21 interest deduction in the savings account. The report was accepted without objection.

Committee Reports

Community Outreach Committee (COC)

No reports. The Committee did not meet in July and August 2015.

The next Committee meeting will take place at 7:00 pm, September 28, 2015 (4th Monday)

Alcohol Beverage Licensing (ABL)

The July 2015 ABL report was accepted without objection.



Advisory Neighborhood Commission 6A Meeting Minutes of September 10, 2015



Motion: The ABL moved and Mr. Mahmud seconded a motion that the ANC 6A support the request by Kitty's Saloon, 1208 H Street NE, to seek a summer garden and entertainment endorsement, provided the hours reflected on such endorsement line up with the hours discussed at the July 21, 2015, ABL Committee meeting (ending on 11:00 pm weeknights, and 12:00 am on weekends), and support a stipulated endorsement. The motion passed (6-0).

The Committee does not plan to meet in September 2015. The next Committee meeting will take place on October 20, 2015.

Transportation and Public Space Committee (T&PS)

The T&PS July and August 2015 reports were accepted without objection.

Motion: The T&PS Committee moved and Mr. Toomajian seconded a motion that the ANC 6A send a letter of support of support for Vendetta's public space application provided the owners agree to adhere to the following conditions: no changes to the hours when the front windows are open, no changes to the current settlement agreement, maintenance of the adjacent tree box, and no placement of an umbrella over the table. The motion passed (7-0).

Motion: The T&PS Committee moved and Mr. Calvin Ward seconded a motion that the ANC 6A send a letter of support for the traffic calming application for the 400 block of Nineteenth (19th) Street NE. The motion passed (7-0).

Motion: The T&PS Committee moved and Mr. Calvin Ward seconded a motion for ANC 6A to support the plan to convert the parking area located in the middle of the square bound by Fifteenth (15th) Street NE, C Street NE, Sixteenth (16th) Street NE and D Street NE into a community space. The motion passed (7-0).

The next Committee meeting will take place at 7:00 pm, September 21, 2015 (3rd Monday). Mr. Mahmud announced that the District Department of Transportation (DDOT) Parking Manager will be present at the meeting to discuss the resident-only parking issue.

Economic Development and Zoning (ED&Z)

The August 2015 ED&Z report was accepted without objection.

Motion: The ED&Z Committee moved and Ms. Phillips-Gilbert seconded a motion that the ANC write a letter to the Department of Housing and Community Development (DCHD) in support of an application for DCHD funding by the owners of 1431 E Street NE to support the planned renovation of the ten (10) unit building. The motion passed (7-0).

Motion: The ED&Z Committee moved and Ms. Phillips-Gilbert seconded a motion that the ANC write a letter to the Bureau of Zoning Adjustment (BZA) in support of a special exception from the lot occupancy requirements under section 403, the rear yard requirements under section 404, and the addition to a non-conforming structure requirements under section 2001.3 to allow the construction of a rear spiral staircase at the existing flat at 1617 Gales Street NE (BZA 19104), on the condition that the applicant use best efforts to obtain letters of support from the owners of the adjoining properties prior to the September 10, 2015 ANC meeting. The motion passed (7-0).



Advisory Neighborhood Commission 6A Meeting Minutes of September 10, 2015



Motion: The ED&Z Committee moved and Ms. Phillips-Gilbert seconded a motion that the ANC write a letter to BZA in support of a variance from the off-street parking requirements under section 2101 to allow the construction of a new one family dwelling at 1028 D Street, NE (BZA 19084), on the condition that the applicant use best efforts to obtain letters of support from the owners of the adjoining properties prior to the September 10, 2015 ANC meeting. The motion passed (7-0).

The next Committee meeting will take place at 7:00 pm, September 16, 2015 (3rd Wednesday).

Single Member District (SMD) Reports

Mr. Malone spoke briefly regarding matters at the Kingsman Dog Park.

Mr. Levy advised that Fourteenth (14th) Street NE has been re-paved, and that pedestrian signs had been placed that Fifteenth (15th) and A Streets, NE. Mr. Levy advised that he would hold a SMD meeting regarding public safety at a date to be determined.

Ms. Phillips-Gilbert gave an overview of activities in her district, including a community clean-up, a job fair, and a community fitness day. Ms. Phillips-Gilbert also attended a public safety meeting with representatives of the Metropolitan Police Department (MPD) and other officials.

Chairman Toomajian advised that Sherwood Day activities will take place on September 26, at the Sherwood Recreation Center from 10:00 am-2:00 pm.

Mr. Mahmud indicated that the 1200 block of Florida Avenue NE did not meet the residential parking criteria. Mr. Mahmud also mentioned that he was working on an H Street NE safety walk.

Ms. Zimny made brief remarks regarding H Street NE revitalization, crime on F Street NE, and her efforts to have Emerald Street NE re-paved.

Mr. Calvin Ward spoke about the recent Seventeenth (17th) Street NE alley paving event and expressed appreciation to the Mayor's office.

Community member Heather Schoell mentioned the "Halloween" event to take place on October 30, 2015, at Eastern Market from 5:30 - 7:30 pm. Booth or table space is currently available. Please call 202-321-0874, or e-mail heathersdc@gmail.com, for more information.

The meeting adjourned at 9:15 pm.



Advisory Neighborhood Commission 6A Community Presentations





Commission Letters of September 10, 2015 Meeting



District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



September 11, 2015

Ms. Polly Donaldson
Director
Department of Housing and Community Development
1800 Martin Luther King Avenue, S.E.
Washington, DC 20020

Re: Application for DHCD Funding by E Street Cooperative (1431 E Street, NE)

Dear Ms. Donaldson,

At a regularly scheduled and properly noticed meeting on September 10, 2015,¹ our Commission voted 7-0 (with 5 Commissioners required for a quorum) to write you in support of the Applicant's request for \$1.6 million in funding from DHCD and private sources to pay for planned renovations to the 10-unit building at 1431 E Street, N.E., owned by the Applicant (the E Street Cooperative). The Commission understands that the funding is needed to make necessary repairs to the existing structure, including installing new windows and a new roof, updating the common areas of the building, and furnishing new electrical and heating systems. The Applicant has indicated that a letter of support from the Commission is a necessary component of its request for the funding.

Please be advised that Andrew Hysell and I are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at philanc6a@gmail.com and Mr. Hysell can be contacted at hysell6a06@gmail.com.

On Behalf of the Commission,

Phil Toomajian,
Chair, Advisory Neighborhood Commission 6A

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@yahoogroups.com, anc6a@yahoogroups.com, and newhilleast@yahoogroups.com, at www.anc6a.org, and through print advertisements in the Hill Rag.



Commission Letters of September 10, 2015 Meeting



District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



September 11, 2015

Mr. Clifford Moy
Secretary of the Board of Zoning Adjustment
Board of Zoning Adjustment
441 4th St. NW, Suite 210
Washington, DC 20001

Re: BZA Case No. 19104 (1617 Gales Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting on September 10, 2015,¹ our Commission voted 7-0 (with 5 Commissioners required for a quorum) to support the Applicant’s request for a special exception pursuant to § 223 for a property not meeting the lot occupancy requirement (§ 403.2), the rear yard requirement (§ 404.1), and for an addition to a nonconforming structure (§ 2001.3), in connection with the above-referenced application. The applicant seeks the foregoing relief to permit the construction of spiral staircase at the rear of an existing rowhouse structure.

The Commission supports granting the requested special exception because the proposed addition will not unduly affect the light and air available to neighboring properties nor unduly compromise their privacy of use and enjoyment. The Commission understands that one adjoining property owner has no objection to the construction of the staircase and that the Applicant, after exercising best efforts, was unable to contact the other adjoining property owner.

Please be advised that Andrew Hysell and I are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at philanc6a@gmail.com and Mr. Hysell can be contacted at hysell6a06@gmail.com.

On Behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A

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Commission Letters of September 10, 2015 Meeting



District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



September 11, 2015

Mr. Clifford Moy
Secretary of the Board of Zoning Adjustment
Board of Zoning Adjustment
441 4th St. NW, Suite 210
Washington, DC 20001

Re: BZA Case No. 19084 (1028 D Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting on September 10, 2015,¹ our Commission voted 7-0 (with 5 Commissioners required for a quorum) to support the Applicant’s request for a variance from the off-street parking requirements set forth at § 2101.1. The applicant seeks the requested relief in conjunction with the construction of a new, two-unit rowhouse in the R-4 District.

The Commission supports granting the requested variance from the off-street parking requirements because strict application of the above-referenced zoning requirements would result in peculiar and exceptional practical difficulties and hardship to the applicant and because granting the requested relief will not result in substantial detriment to the public good or substantially impair the intent, purpose, and integrity of the zoning plan. Relief is particularly appropriate in this case given that the lot at issue lacks vehicular access both to the street and, due to the presence of an intervening lot, to the alley behind the lot.

Please be advised that Andrew Hysell and I are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at philanc6a@gmail.com and Mr. Hysell can be contacted at hysell6a06@gmail.com.

On Behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A

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Commission Letters of September 10, 2015 Meeting



District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



September 11, 2015

Mr. Leif A. Dormsjo
Director, District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003

Re: Traffic calming assessment for 400 Block of 19th Street NE

Dear Director Dormsjo,

At a regularly scheduled and properly noticed meeting on September 10, 2015¹, our Commission voted 7-0 (with 5 Commissioners required for a quorum) to request that the District Department of Transportation (DDOT) examine the 400 block of 19th Street NE for improvements designed to enhance pedestrian, bicyclist and driver safety.

This street is very unsafe in its current form, and the proximity of a new school makes the need to improve safety even more pressing. Based on the testimony of ANC6A residents, the Commission requests DDOT conduct an examination of this intersection and implement solutions to resolve safety concerns.

Thank you for giving great weight to the recommendation of ANC 6A. Should you wish to discuss this letter with the Commission, please feel free to reach out to me at philanc6a@gmail.com or the ANC 6A Vice-Chair, J. Omar Mahmud, at mahmud6a01@gmail.com.

On behalf of the Commission,

Phil Toomajian,
Chair, Advisory Neighborhood Commission 6A

Attachment: Petition for Traffic Calming

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**Traffic Calming Assessment Petition
Applicant Questionnaire**

Note: Please fill out if you are a resident of the affected neighborhood

Applicant Information (Required)

Name: Calvin Ward

Address: 436 19th street N.E
Washington D.C 20002

Telephone #: 202-506-5449

Email Address: CWard6A08(a)gmail.com

Requestor Signature: Calvin Ward

Traffic Issue	Very Significant	Significant	Not Significant
Speeding	✓		
Traffic Volumes	✓		
Cut-through Traffic		✓	
Traffic Accidents	✓		
Traffic Noise		✓	
Pedestrian Safety	✓		
Bike Safety		✓	
Parking		✓	
Other (please specify)			

Location of Requested Assessment - Please define geographic boundaries as clearly as possible (e.g. 400, 500, and 600 block of X Street, NE):

400 block of 19th street N.E

Conditions Necessitating Assessment – Please provide a detailed description of the problems observed in the Assessment Area:

Speeding in a school/residential area. Multiple accidents.

DDOT Traffic Calming Application



Commission Letters of September 10, 2015 Meeting



d.

District Department of Transportation

Please identify the time of the day when the traffic problems appear to be the worst (such as AM peak, PM peak, afternoon, evening or night).

All hours of the day but mostly
A.M. rush hour when pedestrian crossing is high.

Please describe any of the following characteristics of your neighborhood: heavy use by pedestrians, bicyclists, or other more vulnerable users; substandard streets (lack of sidewalks, narrow streets, right curves, limited sight distance, etc) and pedestrian generating facilities (parks, elderly housing, shopping areas, etc).

Heavy pedestrian use, heavy bicyclist use, elderly housing
and small school children.

Please describe if there are any schools, hospitals, places of worship, recreational centers, hotels, sports arenas or historical monuments in the vicinity of the location.

Elementary Schools / Recreational center.

Please describe if the traffic problems mainly occur during holidays (such as Christmas, Thanksgiving, New Year, Jewish Holidays etc)

All year around

Please describe who you think is causing the traffic problems. For example is it local residents or the cut-through traffic? Is it cars or delivery trucks etc?

Traffic light at the corner of 19th and E. Drivers speed through
from Dst stop sign to trap and catch the light.

Please describe if the traffic problems create safety issues for pedestrians and bicyclists in your neighborhood. If yes, then please describe how the traffic problems affect safety of pedestrians and bicyclists in your neighborhood?

There were pedestrian accidents as well as car accidents of neighbors
who live on the street

Are there any existing traffic calming measures within the Assessment area you have defined (e.g. speed bumps, rumble strips, median, curb extensions)?? If yes, then please describe if they effective in

No traffic calming measures exist along 19th street.

If traffic calming is implemented, how would you feel about having traffic calming measures (median islands, speed humps, corner bulbouts, etc) being placed in front of your home?

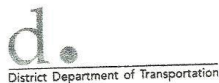
I would like the idea of speed humps in front of my home.

Have you previously contacted District Department of Transportation for help in addressing your traffic problems? If yes, please indicate which departments have been contacted.

Colleen Hawkinson, AICP

DDOT Traffic Calming Application

April 2012



PETITION FOR TRAFFIC CALMING ASSESSMENT

4.1 MAIL PETITION TO:

DDOT
 Traffic Operations Administration
 55 M St. SE 6th Floor
 Washington DC 20003
 Telephone: 311

Block Representative: 400 block of 19th street N.E
 Address: 436 19th st N.E Wash D.C 20002
 Telephone: 202-506-5444
 Signature: Colin Wynn

The undersigned residents in the 400 hundred block(s) of 19th N.E Street, petition the Department of Transportation to conduct a Traffic Calming Assessment in this street segment / area.

This petition must contain one (1) adult signature per household and be endorsed by **75 percent or more** of the households in each one hundred (100) block.

NAME ADDRESS SIGNATURE PHONE

[Redacted names and addresses]

DDOT Traffic Calming Application

April 2012



d.
District Department of Transportation

[REDACTED]

DDOT Traffic Calming Application

April 2012



Commission Letters of September 10, 2015 Meeting



District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



September 24, 2015

Mr. Matthew Marcou
Deputy Director for Public Space Regulation
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003

Re: Sidewalk café public space application for Vendetta at 1210 H Street NE

Dear Mr. Marcou,

At a regularly scheduled and properly noticed meeting¹ on September 10, 2015, our Commission voted 7-0 (with 5 Commissioners required for a quorum) to express our conditional support for the above-referenced sidewalk café application.

The motion provides our support based on the following conditions the ANC has asked the applicant to fulfill prior to and during the use of public space for a sidewalk café:

1. the hours when the front windows are open shall not be changed from the current hours as allowed by current licensing and ANC 6A settlement agreement restrictions;
2. the sidewalk café shall not be open for use past 11 pm Sunday through Thursday and midnight on Friday and Saturday;
3. the establishment shall make no changes to its current settlement agreement with ANC6A;
4. the sidewalk café shall only be used for food and drink service, and not for any other use, including the playing of any music, amplified or otherwise;
5. the applicant shall use easily moveable chairs (no tables) that shall be secured or locked away when not in use;
6. the applicant shall ensure no trash container of any sort will be stored anywhere on public space, including on the sidewalk café itself;
7. the applicant shall regularly clean and maintain the adjacent tree boxes, sidewalk and street gutter, and keep all areas in front of the business and within the sidewalk café area clean; and
8. the sidewalk cafe area shall not be covered by any fixed umbrellas.

These conditions have been negotiated with and agreed to by the ANC and the applicant.

Thank you for giving consideration to our ANC's feedback on this public space proposal. We respectfully request that you include the attached conditions with any approved

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Commission Letters of September 10, 2015 Meeting



public space application for this applicant. Should you wish to discuss this letter with the Commission, please feel free to reach out to me at philanc6a@gmail.com or the ANC 6A Vice-Chair, J. Omar Mahmud, at mahmud6a01@gmail.com.

On behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A



THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:)	
)	
Imm on "H", LLC)	
t/a Imm on H)	
)	
Applicant for a New)	License No. ABRA-099569
Retailer's Class CR License)	Order No. 2015-427
)	
at premises)	
1360 H Street, N.E.)	
Washington, D.C. 20002)	

Imm on "H", LLC, t/a Imm on H (Applicant)

Christopher Seagle, Co-Chair, Advisory Neighborhood Commission (ANC) 6A

BEFORE: Ruthanne Miller, Chairperson
 Nick Alberti, Member
 Donald Brooks, Member
 Herman Jones, Member
 Mike Silverstein, Member
 Hector Rodriguez, Member
 James Short, Member

ORDER ON SETTLEMENT AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Imm on "H", LLC, t/a Imm on H, Applicant for a new Retailer's Class CR License, located at 1360 H Street, N.E., Washington, D.C., and ANC 6A have entered into a Settlement Agreement (Agreement), dated July 6, 2015, that governs the operation of the Applicant's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Co-Chair Christopher Seagle, on behalf of ANC 6A, are signatories to the Agreement.



Accordingly, it is this 16th day of September, 2015, **ORDERED** that:

1. The above-referenced Settlement Agreement submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modifications:

Section 5 (Modifications) – This Section shall be modified to read as follows: :
“This Agreement may be modified and such modification implemented by Applicant by mutual agreement of the parties or otherwise permitted by law, with the subsequent approval of the modification by the ABC Board pursuant to DC Official Code § 25-446.”

Section 7 (Enforcement) – The term “its assigns” shall be replaced with the term “its successors.”

The parties have agreed to these modifications.


2. Copies of this Order shall be sent to the Applicant and ANC 6A.



Commission Letters of September 10, 2015 Meeting

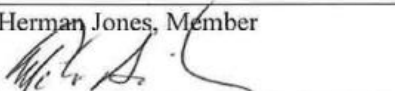


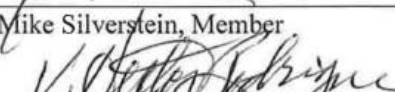
District of Columbia
Alcoholic Beverage Control Board

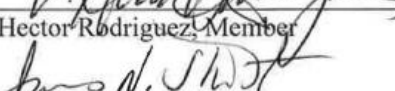

Ruthanne Miller, Chairperson

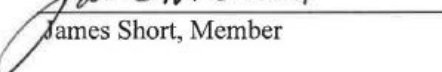

Nick Alberti, Member


Donald Brooks, Member


Herman Jones, Member


Mike Silverstein, Member


Hector Rodriguez, Member


James Short, Member

Pursuant to D.C. Official Code § 25-433(d)(1), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code §2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b) (2004).



Commission Letters of September 10, 2015 Meeting



7/16/15

Made this 6th day of July, 2015

by and between

Imm on "H", LLC t/a Imm on H
1360 H Street, NE
Washington DC 20002

and

Advisory Neighborhood Commission 6A

ALCOHOLIC BEVERAGE
REGULATION ADMIN
2015 JUL 15 A 11:05
ABRA

Preamble

Through this Agreement, both parties aim to create an environment whereby Applicant may operate as a viable contributing business in the ANC 6A community, while concurrently curtailing any adverse effects a business such as Applicant's could have on the surrounding neighborhood.

Applicant agrees to work regularly with ANC 6A, neighborhood associations, and residents to ensure the business operations do not adversely affect the surrounding neighborhood. All parties believe the statements and provisions contained in this Agreement are reasonable and must become wholly integrated into the day-to-day operation of the business establishment.

The community and Applicant understand and agree that the changes imposed upon the operations of licensees within the ANC as set forth herein are important measures to protect the safety, peace, order, and quiet of the neighborhood, its residents, and businesses.

Witnesseth

Whereas, Applicant's premises is within the boundaries of ANC 6A; and,

Whereas, the parties desire to enter into an agreement governing certain requirements and understandings regarding the issuance of a Retailer's Class CR Liquor License at the subject premises; and,

The Parties Agree As Follows:

1. **Public Space Cleanliness and Maintenance.** Applicant will maintain the public space (minimally the front sidewalk up to and including the gutter in front of the subject premises, and the alleyway behind the subject premises) adjacent to the establishment in a clean and litter-free condition by:
 - a. Picking up trash, including beverage bottles and cans, and all other trash a minimum of twice daily (once immediately before business hours and again between 5:00 p.m. and 8:00 p.m.).
 - b. Maintaining regular trash and garbage removal service, regularly removing trash from the trash and dumpster area, and seeing that the trash and dumpster area remain clean.
 - c. Depositing trash and garbage only in rodent-proof dumpsters, and seeing that dumpster covers fit

Settlement Agreement between Imm on H and ANC6A

Page 1 of 4



- properly and remain fully closed except when trash or garbage is being added or removed.
- d. Exercising due diligence to prevent and/or rid vermin infestation in and around the establishment, including following, minimally, the recommendations and guidelines of the Vector Control Division of the Department of Public Works.
- e. Assisting in maintenance of the curbs in front of the establishment to keep them free of trash, removing snow and ice from the sidewalk, and complying with all applicable D.C. laws and regulation in these respects.
- f. Planting, watering, and generally tending to tree boxes directly in front of the subject premises, if any.
- g. Promptly removing or painting over any graffiti written on the exterior walls of the property.
- h. Requiring the owner and employees not to park on public space between the building and the curb.
- i. Not locating trash bins, chairs, tables, or other equipment on public space without a valid space permit.

2. Business Operations and Practices.

- a. Applicant will not, directly or indirectly, sell or deliver alcohol to any intoxicated person or to any person who appears to be intoxicated.
- b. Applicant agrees to take all necessary steps to prevent patron rowdiness, including refusing admission/service to rowdy and/or unruly persons.
- c. Applicant agrees to ensure that no patron brings an open container of an alcoholic beverage into the establishment from outside sources, and at no time exits the establishment with an open container of an alcoholic beverage.
- d. Applicant will not provide or sell alcoholic beverages "to go."
- e. Applicant agrees not to promote or participate in bar or pub "crawls" or any other event of this nature unless the event has been reviewed and approved by the ABC Board.
- f. The licensed establishment will be managed in person by Applicant or a board-licensed manager.
- g. Applicant, and all employees that are designated to serve alcoholic beverages, shall attend and complete an alcoholic beverage server training course/seminar.
- h. Applicant shall post a notice kept in good repair and visible from point of entry a sign that states:
 - i. Proper ID is required to be served and that the establishment will check IDs at all times prior to serving alcoholic beverages to patrons;
 - ii. It is illegal to sell alcohol to anyone under age 21;
 - iii. Patrons are requested not to litter, loiter, or make excessive noise in the neighborhood as they arrive or depart;
 - iv. Warning: Drinking alcoholic beverages during pregnancy can cause birth defects; and
 - v. The establishment requests that customers do not contribute to panhandlers.
- i. Applicant shall make every effort to prohibit and prevent loitering and criminal activity on or in front of the establishment premises, to include:
 - i. Asking loiterers to move on whenever they are observed outside the establishment;
 - ii. Calling the Metropolitan Police Department if illegal activity is observed;
 - iii. Keeping a written record of dates and times (a "call log") when the MPD is called for assistance; and
 - iv. Applicant will maintain a detailed incident log. An incident is defined as any activity by patrons of the establishment inside or immediately outside the establishment that could lead to an ABRA investigation. Each incident will contain the date, time, and location of each incident with a concise summary. Guests and staff involved or witnesses of the incident will be identified and listed. If there is a medical or police response, that information will also be noted.
- j. Upon request of the Board, Applicant's call log and incident log shall be provided to the Board during meetings or hearings involving future renewals or contested proceedings involving Applicant's license.



- k. Applicant will utilize and maintain high-intensity floodlights on the exterior of its premises so as to fully light any abutting alleyway from dusk until dawn.
 - l. Applicant shall provide valet parking services only with valet parking companies as defined, licensed, and in compliance with D.C. Municipal Regulations Title 24 Chapter 16. Applicant will not engage in valet parking that results in vehicles parked in residential parking spaces.
- 3. Music / Dancing / Entertainment.**
- a. Applicant agrees to ensure that sounds originating from within the establishment are mitigated by installing adequate soundproofing.
 - b. No sound, noise, music, or voices emanating from the licensed establishment shall be of such intensity that it may be heard in any premises other than the licensed establishment. This restriction does not apply to: (1) sound, noise, music, or voices heard in any premises which are located within a C-1, C-2, C-3, C-4, C-M, or M zone, as defined in the zoning regulations for the District, and (2) sound, noise, music, or voices occasioned by the normal opening of entrance and exit doors for the purpose of ingress and egress.
 - c. Applicant may offer facilities for dancing for patrons only with an entertainment endorsement and may have recorded and background music without an entertainment endorsement. "Entertainment" means live music or any other live performance by an actual person, including live bands, karaoke, comedy shows, poetry readings, and disc jockeys. The term "entertainment" shall not include the operation of a jukebox, a television, a radio, or other prerecorded music.
 - d. The kitchens for all CR license holders shall remain open and operational up until at least one hour prior to closing.
- 4. Cooperation with ANC 6A.** Applicant agrees to work on resolving issues preventing Applicant from fulfilling its obligations under this Agreement with all of the following: the Single Member District (SMD) ANC Commissioner within whose boundaries the establishment is located, the Chair of the ABL Committee, and other Commissioners whose SMDs are adjacent to the location of the establishment.
- 5. Modifications.** This Agreement may be modified and such modification implemented by Applicant only by mutual agreement of the parties and the subsequent approval of the modification by the ABC Board pursuant to DC Official Code Code § 25-446.
- 6. Miscellaneous.**
- a. Applicant shall post a copy of this Settlement Agreement in the establishment in conjunction with the posting of its alcoholic beverage license.
 - b. Applicant will operate in compliance with all applicable DC laws and regulations. Any reference to specific laws and regulations in this Settlement Agreement is meant for informational purposes only. ANC 6A does not intend for a violation of any DC law or regulation to also be considered a violation of this Settlement Agreement.
- 7. Enforcement.**
- a. Applicant and ANC 6A agree to enter into this Agreement. If Applicant should breach the conditions of this Agreement, it is understood by all parties that ANC 6A and/or its committees shall immediately notify the Applicant and file a complaint with the ABC Board, which will be investigated by ABRA's Enforcement Division, and may subject Applicant to a Show Cause proceeding or any other penalty available to the Board under the law.
 - b. This Settlement Agreement is binding on Applicant and its assigns and will continue in force for any and all subsequent license holders at this location.

In Witness Whereof

Settlement Agreement between Imm on H and ANC6A
Page 3 of 4



Commission Letters of September 10, 2015 Meeting



The parties have affixed hereto their hands and seals.

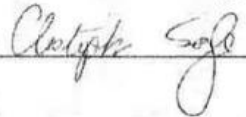
Applicant:

By: NUTTAKORN KETTUTAT Date: 7/2/15

Signature: 

Advisory Neighborhood Commission 6A Representative:

By: Christopher Seagle Date: 7/12/15

Signature: 

ALCOHOLIC BEVERAGE
REGULATION ADMIN.
2015 JUL 15 A 11: 05
ABRA 



Commission Letters of September 10, 2015 Meeting



District of Columbia Government
Advisory Neighborhood Commission 6A
P. O. Box 75115
Washington, DC 20013



July 13, 2015

Ms. Ruthanne Miller, Chairperson
Alcoholic Beverage Control Board
2000 14th Street, NW, Suite 400S
Washington, DC 20009

Re: ABRA #099569 (Imm On "H"), 1360 H Street NE

Dear Ms. Miller,

Advisory Neighborhood Commission 6A has reached a Settlement Agreement with Imm on "H" (1360 H Street NE). The jointly signed SA is attached.

At its July 9, 2015 meeting, the ANC voted 7-0 to reach a Settlement Agreement with the establishment. Included in this 7-0 vote was a motion to support a stipulated license for Imm On "H" while its full license is being vetted by ABRA.

Five Commissioners are required for a quorum. This monthly meeting was publicly announced and properly noticed. ANC 6A meetings are advertised electronically on anc6a-announce@yahoo.com, anc-6a@yahoo.com, and newhilleast@yahoo.com, at www.anc6a.org, and through print advertisements in the Hill Rag.

If you have any questions regarding this SA, please do not hesitate to contact me.

On behalf of the Commission,

Christopher Seagle
Co-Chair, ANC 6A ABL Committee

ALCOHOLIC BEVERAGE
REGULATION ADMIN
2015 JUL 15 A 11:05
ABRA



Officer Reports - Treasurer



ANC 6A Treasurer's Report September 2016

Period Covered	9/1/2015-9/30/2015		
Checking Account:			
Balance Forwarded		\$	14,695.52
Receipts:	Q1 District Allotment	\$	4,481.70
	Q2 District Allotment	\$	4,481.70
		\$	-
Total Receipts		\$	8,963.40
Total Funds Available		\$	23,658.92
Disbursements:			
	Irene Dworakowski (Agenda/Web Master Services Sept Note Taking (Sept 2015 Minutes)	Ck #1714	\$ 450.00
		Ck #1715	\$ 200.00
	Fed Ex	Ck #1716	\$ 215.50
Total Disbursements		\$	865.50
Ending Balance		\$	22,793.42
Savings Account:			
Balance Forwarded		\$	13,720.56
Receipts:	Interest	09/28/15	\$ 0.21
	Deposit -		
	Transfers from Checking Account		
Total Receipts		\$	0.21
Total Funds Available		\$	13,720.77
Disbursements		\$	-
Ending Balance		\$	13,720.77



ANC 6A FY16 BUDGET

Proposed 2016 ANC 6A Budget

Expenditures	Amount	
Photocopies	\$	8,000.00
Advertising	\$	5,000.00
Minutes	\$	2,400.00
Agenda Services		2,400.00
Other Contracted Services	\$	1,000.00
Post Office Box & Postage	\$	360.00
Grants	\$	5,000.00
Office Supplies	\$	100.00
ANC Security Fund	\$	25.00
Amer. Sign Language Interpreter	\$	600.00
ANC Flyer	\$	1,000.00
Petty Cash	\$	100.00
ANC Meeting Support	\$	2,400.00
Web Services	\$	3,000.00

FY16 Budget Total	\$	31,385.00
Total FY16 Projected Expenditures	\$	31,385.00

ANC 6A FY15 BUDGET	
SUMMARY of Q1 and Q2 EXPENDITURES	
Expenditures 10/1/2014-5/30/2015	
Printing and Copying	\$1,759.71
Services	\$9,409.00
Post Office Rental Box	\$342.00
Grants	\$2,059.46
ANC Security Fund	\$25.00
Travel	\$57.88
Total Expenditures	\$13,653.05



ANC 6A FY16 BUDGET

SUMMARY OF ANC FUNDS

1. FY15 Year End Savings Balance (09/30/15) \$13,720.77
2. FY15 Year End Checking Balance (09/30/15) \$ 21,996.12
3. Total FY14 Year End Balance \$ 35,716.89
4. FY15 District Allotment Outstanding for 3rd and 4th Quarter \$ 9,215.64
5. Projected FY16 District Allotments \$ 18,431.28
6. Projected Total Funds Available For FY16
 - Total FY15 Proposed Budget Expenditures \$ 31,385.00
 - FY15 Projected Surplus Funds \$ 22,763.00



Committee Reports

Community Outreach Committee (COC)



Minutes

ANC 6A Community Outreach Committee (COC) of
Advisory Neighborhood Commission (ANC) 6A
Regular Meeting - September 28, 2015
Maury Elementary School
1250 Constitution Avenue NE, Washington, DC

Meeting called to order at 7:00 pm.
Quorum at 7:40 pm.

COC members present: Joyce West, Gladys Mack, Dana Wyckoff (Co-Chair)
COC members absent: Roni Hollmon, Jean Kohanek, Raphael Marshall (Co-Chair), Shirley Worthy
ANC Commissioners present: Matt Levy
Community members present: Hannah Lewis

I. Committee Business

Co-Chair Dana Wyckoff announced that Committee members Jean Kohanek and Shirley Worthy have submitted their resignation. Their dedication to the Committee and to ANC 6A was noted, as was the Co-Chair's thanks that both had agreed to stay on the Committee until the grant revisions were completed.

II. Old Business

Grant Application Update: Co-Chair Wyckoff announced that the revised ANC 6A Grant Application Packet (form, instructions, and guidelines) and the new one-page Overview are on the Commission's website (ANC6A.org, "Other Documents" page). Revisions to the grant application instructions and final report requirements fulfilled recommendations approved by ANC 6A in December 2014, designed to make the grant application more user-friendly and compliant with ANC 6A and DC ANC rules and legal requirements. Co-Chair Wyckoff thanked Committee Members Joyce West, Jean Kohanek and Roni Hollmon for their work on the project.

Website Review/Updates: Co-Chair Wyckoff reported that following completion of the review of two pages on the ANC6A.org website (Community Organizations and Government Contacts) proposed updates to the listings, links and page layouts are being finalized.

III. New Business

Grant Outreach: During the grant application revision process, the Committee had agreed to not actively promote ANC 6A grants, though information remained on the website and on the ANC flier and other materials. Now that the revised grant materials and the new Overview are available, outreach by the COC will resume via the website, listservs, media contacts, with local community groups, PTO/PTAs, schools, libraries and recreation centers in 6A, and contacts with past grant recipients and potential applicants. The one (1) page Overview is a quick summary that ANC Commissioners may choose to distribute to constituents, organizations and at Single Member District (SMD) meetings.

After discussion, the COC members agreed to include a brief grant review session for interested organizations during the COC's October 2015 meeting. The COC will revisit holding a separate training session as needed.



Committee Reports

Community Outreach Committee (COC)



Committee Priorities: The Committee discussed potential issues, priorities and focus areas. Committee Member West suggested that it is communication, outreach and engagement, where residents can learn how to get help and resources, and also learn how they can contribute to the community and help address issues they are concerned about. Commissioner Matt Levy questioned what the role of the Committee is in relation to the ANC Commissioners and suggested that the COC is "in partnership" with the ANC members in doing outreach. Committee Member Gladys Mack pointed out that "the COC does not tell the ANC members what to do, but can make suggestions."

Commissioner Levy said that he attends Parent Teacher Organization (PTO) meetings at Maury Elementary School and that other Commissioners attend PTO or Parent Teacher Association (PTA) meetings in their SMD, and that information about the role of the ANC can be distributed at those venues. He also suggested that a flier about the resources in the ANC could be distributed to new residents through real estate agents. Co-Chair Wyckoff pointed to the ANC 6A flier on the website that focuses on the role of the ANC, contact information for SMDs, etc. She also noted that the COC had discussed, and tabled, a proposed one (1) page guide ("The ABCs of the ANC") listing government contacts, media, listservs, libraries and recreation centers, schools, grant information, and other resources (essentially a streamlined version of the Community Organizations and Government Contacts pages on the ANC 6A website). Committee Member Mack said that such a resource guide could be paired with the current ANC flier for use at meetings. Co-Chair Wyckoff asked Committee Member West to work with her on a draft for review at the October 2015 COC meeting.

IV. Meeting adjourned at 8:37 pm.

**The next regular meeting of the ANC 6A COC
Monday, October 26, 2015 at 7:00 pm
Maury Elementary School, 1250 Constitution Avenue NE
(enter from 200 block of Thirteenth (13th) Street)**



Committee Reports
Alcohol Beverage and Licensing (ABL)



No report. Committee did not meet in September 2015.



Committee Reports

Transportation and Public Space (T&PS)



MEETING MINUTES

ANC 6A Transportation & Public Space Committee Meeting
Capitol Hill Towers (900 G Street NE)
September 21, 2015

- I. Call meeting to order at 7:00 pm.
- II. In attendance were Committee Members Elizabeth Nelson, Lara Levison, Jeff Fletcher, Andrea Adleman and J. Omar Mahmud, ANC Commissioner and Committee Co-Chair; ANC Commissioner Calvin Ward, District Department of Transportation (DDOT) representatives Evian Patterson and Benito Perez; and other members of the community.
- III. Community Comment: None.
- IV. Presentation from DDOT on the progress of rulemaking regarding resident-only parking. Co-Chair Mahmud introduced DDOT representatives Evian Patterson and Benito Perez and thanked them for attending the meeting. Messrs. Patterson and Perez provided the following information and answered questions from those in attendance:
 - a. Mr. Patterson explained that there are more demands from the public for data that DDOT utilizes to make decisions, including the current curbside management study which was published in August 2014. The point of the study was to create an inventory of parking spaces, where they are and how they're being used. DDOT wants to drive more informed decisions based on data when evaluating parking programs.
 - i. Ms. Nelson asked whether moving container pods are included in the data when evaluating open parking spots. Mr. Perez indicated DDOT only accounts for cars at this time, but that they will look at this issue more closely to see if pods should be considered as well.
 - b. H Street is a key traffic generator for the neighborhood. The original resident only parking program was intended to create a buffer of one block resident only parking north and south along H Street. At first, DDOT allowed residents to submit petitions for resident only parking in other blocks until it discovered the petition process was not supported by the regulations. The Department then stopped reviewing resident only parking petitions until the rules could be revised to support the process. At this point, DDOT undertook a rules revision process, which is nearing the end of its review process.
 - c. The City Administrator has reviewed the latest version of the regulations and DDOT is currently responding to the City Administrator's last set of comments. The new rules will be similar to that of the Resident Parking Petition (RPP) process (e.g. 70/10 test). Mr. Patterson promised to get back to Mr. Mahmud with timing on next steps, e.g., When is DDOT's response to the City Administrator due? When will the City Administrator finalize review of the regulations? What other steps are necessary to complete implementation of the new regulations?). The process for requesting extended RPP times is also being revised in the new rules to allow for more flexibility.
 - d. The 70/10 test for RPP petition: DDOT technicians check the parking usage on the petition block three (3) times, which can often be random. DDOT is looking to implement a photo time lapse tool, which is now in the testing phase.
 - i. Mr. Fletcher asked for the date the revised rules will be available for public comment. Mr. Patterson indicated he could not give a firm date because some of the gating items are out of DDOT's control (e.g. final sign-off by the City Administrator), but he believes it is possible to get the proposed rules out for public comment by December 2015.



Committee Reports

Transportation and Public Space (T&PS)



- ii. Mr. Fletcher asked whether DDOT's rules can provide criteria to differentiate between different neighborhoods within a ward, e.g., 6A, 6B, etc.). Mr. Patterson indicated DDOT is not currently proposing to subdivide ward parking rights by resident address. He does not feel it is appropriate for DDOT to take that action. In addition, Mr. Patterson indicated DDOT does not have the data on who is parking in the resident only parking blocks to make informed decisions at this point. They plan to use new tools for data collection, e.g., the time lapse photo.
- iii. Co-Chair Mahmud told Mr. Patterson that he would like to have DDOT return to the Committee once the rules are published for public comment. Mr. Evian agreed this was a good idea.
- iv. Committee Member Lara Levison asked a question about putting a limit on RPP assigned to each household. Mr. Perez indicated the city average is 1.4 RPP issued per household and that any plan to impose a limit would require more data and study. Mr. Patterson indicated heavy parking demands in high demand neighborhoods are trying to be met by DDOT with off-street parking.
- v. A resident complained to Mr. Patterson about the visitor parking pass program. She believes there is lack of coordination between all the temporary parking programs and that this is causing abuse of the system. She has data on how residents are abusing the program, which she offered to share with DDOT. Mr. Patterson indicated he would like to obtain this information from the resident. Mr. Perez indicated the number of visitor passes issued this year has gone down significantly because residents now have to register for the pass, as opposed to years past when the passes were just mailed out to all residents regardless of whether they were requested. DDOT went from 111,000 passes mailed out to only 46,000 this year because of the registration requirement. Mr. Patterson explained that DDOT is working to make other strides to improve oversight and efficiency, including the use of data to drive decisions about the program. Data collection and use is a big focus for DDOT. Committee Member Elizabeth Nelson indicated she sees the abuse coming from residents who live in the neighborhood getting passes for friends who live outside the area.
- vi. Another resident asked how DDOT's plans for its various programs account for Maryland commuters who use DC streets to park and commute to work. He sees heavy commuters parking in his neighborhood between K Street and Florida Avenue NE. He is also concerned that the rush hour restrictions on Florida Avenue NE put residents at constant risk to get a ticket. He would like to see less focus on making streets thoroughfares for commuters and more focus on making them neighborhood streets for residents, including full time parking on parts of Florida Avenue NE that are more residential. Mr. Perez agreed to look more closely at the violation data for Florida Avenue NE to indicate how the parking restrictions are impacting residents. The resident followed up by stressing his bigger question is whether DDOT's parking policies are aimed at getting less cars on the streets in our city. Mr. Patterson indicated DDOT must implement a balanced approach because, in the past, the agency has been accused of waging a "war on cars." Mr. Patterson promised to get back to Commissioner Mahmud on the issue of full time parking on Florida Avenue NE in ANC 6A, which is the more residential part of the street. Mr. Patterson believes the Florida Avenue study may have revealed safety issues with that plan, but he will double check and get back to Commissioner Mahmud.
- e. Co-Chair Mahmud thanked Messrs. Patterson and Perez for attending the meeting and for their willingness to follow up with him on the follow-up items as indicated in the summary above. They also again agreed to attend a future meeting to discuss the new parking rules once published.



Committee Reports

Transportation and Public Space (T&PS)



- V. Events DC plan to construct a playground on the 2000 block of C Street NE: Co-Chair Mahmud presented the issue to the Committee and explained that the Committee has been asked to make a recommendation on this issue since it did not make one at its August 2015 meeting.
- a. Co-Chair Mahmud asked Commissioner Calvin Ward to explain the feedback he has received from constituents in his single member district (SMD) about the proposal to install a playground at this location. He indicated the response he has heard has been overwhelmingly positive.
 - b. The Committee has learned that Events DC is looking to install a playground at this location because the old playground location is slated for redevelopment by Events DC. Commissioner Ward indicated Events DC will be at the next full ANC meeting to go over the proposed project in detail.
 - c. Co-Chair Mahmud reminded the Committee that some people who attended the August 2015 TP&S meeting were against this proposal and that some were for it. The people against it cited safety concerns for those who live north of C Street NE who would then need to cross that busy street to get to the playground. Others countered with similar safety concerns for those living south of C Street NE who currently have to cross that street to get to the current playground. Commissioner Mahmud indicated he would be persuaded to support the proposal so long as Commissioner Ward and residents in his SMD supported it. Commissioner Ward reiterated that this was the case.
 - d. ***Co-Chair Mahmud made a motion that the Committee recommend to the ANC that it send a letter of support in favor of the Events DC proposal to construct a playground on the 2000 block of C Street NE according to the plans provided to the ANC. Ms. Nelson seconded this motion, which passed by unanimous vote.***
- VI. The meeting adjourned at 8:15 pm.



Committee Reports Transportation and Public Space (T&PS)



October XX, 2015

Gregory A. O'Dell
President and Chief Executive Officer
Events DC
801 Mt. Vernon Place NW
Washington, DC 20001

Dear Mr. O'Dell:

At a regularly scheduled and properly noticed meeting on October 8, 2015,¹ our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support the Events DC proposal to construct a playground on the 2000 block of C Street NE according to the plans provided to the ANC.

Our ANC is supporting installation of a playground at this location because we believe our neighborhood can be best served by providing additional space for children and families to play and gather. In addition, residents in our ANC living near this location have expressed support for the proposed new playground.

We understand that Events DC has plans to remove another playground along Oklahoma Avenue in the future to make way for future development of that area. Our hope is that future plans for that location will include a playground as well so that residents who currently enjoy the playground at that location can expect to have access to a facility for their children as well.

Thank you for presenting your plans to install a new playground at this location and for considering our thoughts on the project.

Should you need to follow-up with the ANC on this proposal, please feel to contact me at philanc6a@gmail.com or Omar Mahmud at mahmud6a01@gmail.com.

On Behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@yahogroups.com, anc-6a@yahogroups.com, and newhilleast@yahogroups.com, at www.anc6a.org, and through print advertisements in the Hill Rag.



Committee Reports Economic Development and Zoning Committee



Report of the Economic Development and Zoning (ED&Z) Committee of the Advisory Neighborhood Commission (ANC) 6A
Sherwood Recreation Center, 640 Tenth (10th) Street NE
September 16, 2015

Present

Members: Dan Golden (Co-Chair), Michael Hoenig, Missy Boyette, Laura Gentile
Commissioners: Stephanie Zimny
Dan Golden chaired the meeting.

Community Comment

Pat Schaub reported that her neighbor at 1120 Park Street NE is building a structure next to her property that differs from what was included in the drawings submitted to the Board of Zoning Adjustment (BZA) when zoning relief was sought. She asked that the ANC weigh in; her appeal will be heard by BZA on November 10, 2015.

Status Reports

Resolution of Previously Heard BZA/HPA Cases

The ANC voted to write to the Department of Housing and Community Development (DHCD) in support of the application for DHCD funding made by the E Street Cooperative, which owns the property at 1431 E Street NE.

The ANC voted to write to BZA in support of the request for a special exception to permit the construction of the spiral staircase proposed at the rear of 1617 Gales Street NE.

The ANC voted to write to BZA in support of the request for a variance from the off-street parking requirement to permit the construction of a new rowhome at 1028 D Street NE.

Old Business

None

New Business

901 H Street NE (ZC 10-19; Request for Extension of Order): The applicant presented the history of this project, H Street Connection, for which they are seeking a letter of support for a second extension of the Zoning Commission order approving their Planned Unit Development (PUD) application.

The applicant provided a timeline, stating that the PUD approval had been originally granted in January 2011 for an eight (8) story structure, new construction (seven (7) floors/420 residential units, with retail at ground level and three levels of below-grade parking); at that time, the project was assuming phased construction. In March 2013, the applicant received their first extension of the PUD application. This was granted due to unfavorable market conditions and conflicts with the existing leases on the property.

More recently, in early 2014, the applicant was looking for a residential developer to join the project. In June 2014, the developer selected W.C. Smith. Subsequently, in July 2014, the applicant involved Torti Gallas Urban as the architect, who were involved in the original PUD application. The applicant stated that, since the PUD application was first granted, the layout, materials, etc., for the project have not changed.



Committee Reports Economic Development and Zoning Committee



The applicant stated that they have been unable to meet the milestone to start construction in January 2016, but they did achieve the other requirements (submitting for building permit, recording PUD covenant). In addition, the applicant has completed geotechnical and environmental testing, conducted the Preliminary Design Review Meeting (PDRM) with the District Department of Transportation (DDOT), submitted water and sewer plans, engaged Washington Gas and commenced raze activities. The applicant continues to work with various tenants on their lease termination dates; some will begin to vacate at the end of this month, with a few others vacating on December 13, 2015. 7-11 will also relocate from their current location, which has been a lengthy agreement to navigate, as the applicant had no right to terminate its existing lease.

The applicant explained that it is willing to ask for a one (1) year application extension. It expects that razing will occur during the first two quarters of 2016 and that takedown will have occurred by August 2016. Once construction commences, the applicant intends to deliver the project at the end of 2018. The request for extension has not yet been filed; applicant hopes to do so two (2) weeks from today. The applicant identified the length of the negotiation process with 7-11 as the “good cause” justifying an extension of the Zoning Commission order granting its PUD application

The Committee made a motion to recommend that the ANC write a letter to the BZA in support of the proposed PUD extension. Motion was seconded. Motion was approved 5:0.

1336 Emerald Street, NE (BZA 19085): Applicant, Mr. Hiroshi Jacobs (architect and owner) is seeking several variances (lot size, lot occupancy, rear yard setback, and court width) as well as a special exception related to the proposed building height. Dan Golden asked whether the applicant was also requesting an exception related to section 223, as the BZA website states that he is; he stated this is not the case and that, with the exception of the building height, a variance is the appropriate relief. The applicant explained that the project involves a third (3rd) floor addition on top of an existing two (2) story row house and the construction of a shed at the rear of the property. The size of the lot poses challenges such that the third (3rd) floor cannot be achieved by right.

Regarding the variances and special exception, the applicant reviewed the issues by presenting diagrams, photos and architectural drawings. A rear yard setback variance is being requested, for which the applicant stated that there is precedent due to the fact that “every house on the street” is in violation of the required setback. The applicant explained that the proposed rear shed will be constructed of materials that will match the new proposed rear deck. Regarding the third floor height that is being proposed, the applicant provided 3-D photo/model views to approximate what would be seen during the approach to the home. He also provided shadow and light studies. Mr. Jacobs explained that the primary cladding material will be real cedar, which will weather to a gray color in time, and that the rear shed and deck will also be cedar.

Regarding the addition being proposed, Mr. Jacobs expressed that the reason for the third (3rd) floor is so that he and his wife may stay in the neighborhood with a growing family. He stated that he wants to allow for responsible growth in the neighborhood, and that dense cities are sustainable.

Committee members asked questions or provided comments. Co-chair Golden asked about the standard for the variance, specifically asking whether the exceptional character that is being presented for this case is the size of the lot itself. Mr. Jacobs said yes, that the size of the lot and the lack of the basement is the claimed hardship. Mr. Golden responded by stating that these characteristics were shared by many of the lots on Emerald Street and that the proposal exacerbates the existing condition of



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the property, i.e. the already inordinately dense nature of the construction on the lot given the lot's small size and the already-greater-than 60% lot occupancy, and he questioned the applicant as to whether he had received letters of support from adjacent neighbors. Mr. Jacobs stated that he and his wife have received letters of support from one adjacent neighbor as well as the next neighbor over, but not from the other adjacent neighbor; he stated that the other adjacent neighbor has expressed concern about the possibility of rodent issues during construction. Committee Member Laura Gentile asked whether he had the letters for the Committee to see; Mr. Jacobs responded by stating that the neighbors from 1338 and 1340 Emerald Street are present at the meeting and that they have the letters.

Committee Member Michael Hoenig stated that, related to the burden of proof required for a variance, he does not see the burden of proof being met in this case. Committee Member Missy Boyette inquired as to whether the rear deck should count against lot occupancy since it appears that it is over four feet (4') above grade. Ms. Boyette asked why the proposed roof height could not be held to the thirty-five foot (35') height limit; Mr. Jacobs stated that the pitch of the roof is intended for future solar panels and in order to provide sufficient clerestory windows to allow light to penetrate the middle of the house, but that he is willing to adjust the roof pitch and, thus, the height. Ms. Gentile inquired about the effect of shade of the proposed addition on to the adjacent neighbor homes; Mr. Jacobs provided light/shadow studies and explained that he sees a small amount of impact, for example at 3:00 pm on the summer solstice.

The committee opened up the discussion to audience comments. The neighbor from 1338 Emerald Street stated that he and his wife have a ten (10) month old child and they have had an opportunity to review the project with Mr. Jacobs; he stated that, while they initially had some concerns about the construction, they are pleased with the design and with the setback from the existing street façade. He added that he feels it is important for houses to grow if the homeowner, and not a developer, initiates the growth, and he sees it as an exceptional example.

The 1340 Emerald Street neighbor stated that his primary concern with the addition was related to impact on light on his property; however, he stated that, based on Mr. Jacobs' analysis, he believes his east-facing wall will get the same amount of light with or without the third (3rd) floor. He added that Hiroshi designed the KIPP School and he would be proud to have good design on the street.

A neighbor, Gladys, from 1329 Emerald Street stated that she bought her house in 1984 because of the character of the street and that she is concerned that this proposed project is setting precedent for a change to the character of the street, which she does not wish to introduce. Another neighbor explained that he appreciated the Jacobs' transparency and outreach to neighbors, but that he does not feel it is appropriate to go up above two stories and that he is concerned about precedent with pop-ups; he also believes that the project is not consistent with zoning law (believes that the intent of the law should apply to projects such as this one) and that the project does not meet the criteria for the variances/special exception. Another neighbor discussed the rationale for the new height limitations and cited the stated goal of avoiding an irregular, jagged approach to building heights.

Another neighbor who was present with his young child stated that he believes someone can grow a family without putting an addition on to their home; he added that, even if this project is done responsibly, other later projects may not be. Another neighbor who lives across the street from the proposed project stated that he will see this addition every day; he explained that he has created a petition against the addition and has received twenty-seven (27) signatures from residents of Emerald Street as well as ten (10) residents on F Street; the petition has also been signed by the resident of 1334



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Emerald Street, Cynthia Kinney). A neighbor from 1304 E Street who is also an architect stated that he feels it is important to bring good design to the neighborhood and that he finds this project to be very thoughtful. Another neighbor from 1359 E Street (across the alley and one house east of the subject property) stated that the view will matter and that, with the addition, his view will be impacted; he stated that he does not believe this project is dealing with what density really is, and that he also has concerns about the deck and the current lack of maintenance (weeds) under the existing deck. Finally, a neighbor who used to live at 1346 Emerald Street and now lives on F Street, stated that he supports the project; he said that he moved to F Street so that he could build a pop-up on his home without getting permission; he added that, if Hiroshi and Anna choose to enlarge their house in order to be able to stay in their house and keep schools improving, he believes they have the right.

Mr. Jacobs stated that he does not want a narrow definition of character becoming the definition of the neighborhood.

Mr. Golden made a motion to recommend that the ANC write a letter to the BZA opposing the variances and special exception as the proposed project does not meet the standard for variance and the special exception does not meet the standard. Motion was seconded. Motion was approved in vote 5:0.

1313 to 1323 Linden Court, NE (BZA _____): The Applicant team present included Meridith Moldenhauer of Griffin, Murphy, Moldenhauer and Wiggins, Christine from Square 134 Architects and Jim with Monarch Homes.

Jim stated that his company is “new to the neighborhood”, as they are Virginia builders and this will be their first project in DC. He explained that they build in infill communities and that they want to start positive initiatives in the community.

Christine explained that the project looks to transform an existing carriage house into single family residential units with the end unit being a studio apartment with retail at the ground floor. She explained that the carriage house was originally constructed as single-family homes. The site on which the carriage houses sit is self-contained.

Meridith Moldenhauer explained the zoning and the relief being sought. She explained that the existing site is zoned C-2-A, which has a fifty-foot (50') height limit, but that this site is different because it is an alley structure. The relief being requested is:

1. Relief due to the fact that the carriage house fronts on a thirty-foot (30') alley and the other alley along the side is fifteen feet (15') wide;
2. Relief for lot occupancy - Lots 2, 3 and 4 are seventy-five percent (75%), Lot 1 is a larger percentage because of a jog in the property line; Lot 5 is seventy-five percent (75%) residential lot occupancy;
3. Relief from rear yard setback;
4. Relief from the thirty foot (30') height limit for an alley structure to be able to provide a thirty-nine foot (39') height; and
5. Relief of the Floor Area Ratio (FAR) such that Lot 1 has 0.2 FAR and additional FAR is being requested for commercial use on Lot 5 (1.7 for commercial).

Ms. Moldenhauer added that there is no use variance being requested and that the property is not within the H Street Overlay. She explained that the application has not yet been filed but that the applicant will likely will file on Friday. The existing site is currently commercial use on the property.



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Christine described the units and parking. She explained that the plans provide parking at each unit. The first (1st) level is intended to be a live-work space for each residential unit, which opens to a patio at the back of the site. The intent for the commercial space is that it will activate the corner, perhaps a bike store or a florist. The building sets back five feet (5') from the original façade structure at the corner lot. The exterior façade design will maintain the existing brick façade, with the addition on top wrapped with metal panel.

Committee members asked questions. Commissioner Stephanie Zimny asked whether the garage doors for each unit would be wood; Christine replied that yes, they would be wood. Regarding the parking garages, Ms. Moldenhauer explained that the site was originally built as six narrow individual homes, then was converted to garage use. She added that the intent is to maintain parking by having an enclosed parking garage inside at the first (1st) level of each unit, which creates a challenge to the square footage of each unit. Ms. Moldenhauer further explained that lot 1, which is a corner lot that is slightly smaller due to its irregular shape, will be a unit that is the same size as the others, thus the unique condition of the irregular site poses the practical condition. For the commercial property, Ms. Moldenhauer explained that there is a need for an additional 0.2 FAR in order to create a space that will be desirable.

Regarding precedent, Ms. Moldenhauer explained that there is precedent for granting relief for alley width requirement; she stated that, in 1958, the City was trying to reduce the number of low-income multi-family units being built in alleys. Ms. Moldenhauer agreed to send examples of other alley relief cases approved by the BZA to Mr. Golden.

The applicants explained that they have letters of support from the two (2) immediate adjacent neighbors.

Ms. Boyette inquired about the reason for the façade setback above the existing brick structure on lot 5 at the thirty foot (30') wide alley, specifically why the roofline of the other units does not continue over this lot as well. Christine stated that they can re-examine this. Mr. Golden asked if the applicants would be willing to sit down at a later time to discuss the design. Joel Kelty, community member, stated that he owns commercial property on this alley and that he is concerned about the proposed garages on the ground level, in that they will not activate the alley and instead are “too suburban”. Mr. Golden asked whether the property would be Residential Parking Permit (RPP) eligible; Ms. Moldenhauer stated that she believes it will be.

The applicants agreed to return to present at the October 2015 ED&Z Committee meeting, once they have filed their application for zoning relief with BZA.

**Next Scheduled ED&Z Committee Meeting
Wednesday, October 21, 2015
7:00-9:00 pm
640 10th Street NE
Sherwood Recreation Center, Second (2nd) Floor**



Committee Reports Economic Development and Zoning Committee



October XX, 2015

Ms. Sharon Schellin
Secretary to the Zoning Commission
D.C. Office of Zoning
One Judiciary Square
441 4th St. NW, Suite 210S
Washington, DC 20001

Re: ZC Case No. 10-03 (901 H Street, N.E., Square 912, Lot 55)

Dear Ms. Schellin,

At a regularly scheduled and properly noticed meeting on October 8, 2015,¹ our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support the Applicant's request for a second extension of Zoning Commission Order No. 10-03, effective January 14, 2011, granting consolidated PUD approval for the construction of a mixed-use development composed of retail and residential uses on Lot 55 in Square 912 (the "H Street Connection Property").

The Commission concludes that good cause exists for the requested extension based on the delays that the applicant has experienced in connection with terminating the leases of the current tenants on the property. The Commission continues to believe that the contemplated development will make an important and positive contribution to the revitalized H Street, N.E. corridor.

Please be advised that Andrew Hysell and I are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at philanc6a@gmail.com and Mr. Hysell can be contacted at hysell6a06@gmail.com.

On Behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@yahoogroups.com, anc-6a@yahoogroups.com, and newhilleast@yahoogroups.com, at www.anc6a.org, and through print advertisements in the Hill Rag.



Committee Reports Economic Development and Zoning Committee



October XX, 2015

Mr. Clifford Moy
Secretary of the Board of Zoning Adjustment
Board of Zoning Adjustment
441 4th St. NW, Suite 210
Washington, DC 20001

Re: BZA Case No. 19085 (1336 Emerald Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting on October 8, 2015,¹ our Commission voted X-X-X (with 5 Commissioners required for a quorum) to oppose the Applicant's request for variances from the lot size requirements under § 401, the lot occupancy requirements under § 403, the rear-yard requirements under § 404, the court-width requirements under § 406, and the nonconforming structure requirements of § 2001.3, and to oppose the Applicant's request for a special exception from the building-height requirements under § 400 in connection with the construction of a new third floor on an existing two-story, one-family dwelling, as well as a new shed at the rear of the property, in the R-4 District.²³

The Commission opposes granting the requested variances because, among other reasons, there is no extraordinary or exceptional situation or condition resulting in peculiar and exceptional practical difficulties or exceptional and undue hardship to the Applicant. The Applicant has identified a small lot size and the absence of a basement as the conditions that, in the Applicant's view, justify the requested variances. However, this lot is no smaller than any of the other lots on the street and many of those lots lack a basement. Accordingly, the Commission does not believe there is any extraordinary or exceptional feature of the Applicant's property that would warrant the relief requested. The Commission notes that the Applicant's property has been put to beneficial use as a single-family residence for several generations and that denying the requested relief will not prevent that beneficial use from continuing in the future.

The Commission also opposes granting the requested special exception from the building-height requirement because, among other reasons, the resulting building would substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage. The Applicant's property is located near the center of Emerald Street, a small, residential side street of architecturally consistent single-family rowhomes. Permitting the requested special exception would visually intrude upon, and irreparably diminish, the street's distinct charm and character. In addition, the Commission has concerns regarding the impact that the proposed addition would have on the light and air reaching the adjoining properties.

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@yahoogroups.com, anc-6a@yahoogroups.com, and newhilleast@yahoogroups.com, at www.anc6a.org, and through print advertisements in the Hill Rag.

² The BZA's IZIS website appears to indicate that the relief sought is a special exception under § 223, however special-exception relief is unavailable under § 223 given that the proposed lot occupancy exceeds 70%. The applicant has confirmed verbally that the relief sought includes the variances identified in this letter and not merely special-exception relief.



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The Commission recognizes that there is a diversity of strongly held views within the community with respect to the Applicant's request. However, it is the view of the Commission that the Applicant has not met its burden with respect to justifying the extensive relief requested in this case.

Please be advised that Andrew Hysell and I are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at philanc6a@gmail.com and Mr. Hysell can be contacted at hysell6a06@gmail.com.

On Behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A



New Business

